

UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF MICHIGAN
SOUTHERN DIVISION

MERCHANT'S CREDIT
RECOURSE,

Plaintiff,

Civil Case No. 18-10025
Honorable Linda V. Parker

v.

UNIVERSITY CAPITAL
SOLUTIONS, LLC,

Defendant.

**OPINION AND ORDER GRANTING IN PART AND DENYING IN PART
PLAINTIFF'S MOTION TO ADJOURN**

This matter is currently pending trial on a breach of contract claim brought by Plaintiff Merchant's Credit Recourse ("MCR") against Defendant University Capital Solutions, LLC ("UCS"). The remaining parties and claims have been dismissed. (*See* ECF No. 52.) Pursuant to a November 4, 2021 Amended Scheduling Order, the final pretrial conference is set for June 2, 2022 and trial is set for June 28, 2022. (ECF No. 55.) The parties' proposed Joint Final Pretrial Order was due on or before May 23. (*Id.*)

The parties failed to submit a proposed order by the deadline. After the Court sent an email to counsel for MCR and UCS, inquiring about the order, MCR filed a motion seeking to extend all dates in the Amended Scheduling Order by 90

days. (ECF No. 56.) MCR indicates in support of the motion that “the Notice of Amended Scheduling Order was missed” because its counsel, Keith Altman, lost his vision in Fall 2021. (*Id.*)

The Court is sympathetic to Mr. Altman’s situation but it does not warrant a 90-day extension of the deadlines in this case. This matter has been pending for four and a half years. Defendants’ summary judgment motion was granted in part and denied in part in January 2021. At that point, there was nothing left to do but try the remaining claim. Even if Mr. Altman missed the Amended Scheduling Order, if MCR was adequately prosecuting its lawsuit, it would have done something to move this case along since January 2021. There is no good reason justifying a 90-day delay.

Accordingly,

IT IS ORDERED that Plaintiff’s Motion to Adjourn is **GRANTED IN PART AND DENIED IN PART** in that the following new dates are scheduled:

- Joint Final Pretrial Order Submitted to the Court: June 15, 2022
- Final Pretrial Conference: June 22, 2022 at 11:00 a.m.

- Trial Date: June 28, 2022 at 9:00 a.m.

IT IS SO ORDERED.

s/ Linda V. Parker
LINDA V. PARKER
U.S. DISTRICT JUDGE

Dated: May 31, 2022